

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 BERTHA KELLY and
11 ANNETTE MCKEE,

12 Plaintiffs,

No. CIV S-04-1873 WBS DAD PS

13 vs.

14 RICHARD C. MITCHELL,

15 Defendant. /

ORDER

16 Plaintiffs, proceeding pro se, filed the above-entitled action. The matter was
17 referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

18 On April 29, 2005, the magistrate judge filed findings and recommendations
19 herein which were served on the parties and which contained notice to the parties that any
20 objections to the findings and recommendations were to be filed within ten days. On May 6,
21 2005, the findings and recommendations were re-served on plaintiffs at their last known
22 addresses. Plaintiffs have filed objections to the findings and recommendations.

23 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
24 304, this court has conducted a de novo review of this case and has considered plaintiffs'
25 objections. Having carefully reviewed the entire file, the court finds the findings and
26 recommendations to be supported by the record and by proper analysis. The court has

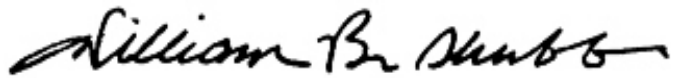
1 determined that there is no need to modify the findings and recommendations based on the points
2 raised in plaintiffs' objections.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed April 29, 2005, are adopted in full;
5 and

6 2. This action is dismissed without prejudice for failure to complete service of
7 process in a timely fashion.

8 DATED: May 27, 2005

9
10 

11 WILLIAM B. SHUBB
12 UNITED STATES DISTRICT JUDGE

13 /kelly1873.jo
14
15
16
17
18
19
20
21
22
23
24
25
26